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Subject: RE: Opinion needed on statutes for a Tefra linked investor which is a Joint Committee case

Yes. As explained by a recent opinion of the Federal Circuit in Bush v. U.S., - F.3d - (Fed. Cir. 2011) , a no change to partnership items at the partnership level still results in a "computational adjustment" of partnership items at the partner level that can be assessed or refunded under section 6230(a) or (c). For instance, if a partner files inconsistently with a partnership return under section 6222, we may issue a no change FPAA in order to make a computational adjustment to that partner. Cf. Harbor Cove v. Commissioner (partner disagreed with no change FPAA).